

NIJMEGEN
SOCIOLOGY OF LAW
WORKING PAPERS SERIES



2021/01

State-of-the-art research overview of
the impact of COVID-19 on migrant
workers in the EU and the Netherlands

Lisa Berntsen (De Burcht) & Natalia
Skowronek (Radboud University)

The Institute for Sociology of Law is part of the Law Faculty of the Radboud University Nijmegen. It has a long tradition of empirical research in the area of law and society. Special focuses are the legal professions, food safety regulation, migration law and anti-discrimination law. The researchers at the Institute have different disciplinary backgrounds (including law, sociology, anthropology, development studies, Middle Eastern studies) and much of their research is interdisciplinary.

The Nijmegen Sociology of Law Working Paper Series provides a vehicle for staff members, PhD students and fellows to rapidly disseminate their research results.

ISSN 2212-7844

Nijmegen Sociology of Law Working Papers Series 2021/01

Faculty of Law
Radboud University Nijmegen
P.O. Box 9049
6500 KK Nijmegen
The Netherlands

Editors	Tetty Havinga, t.havinga@jur.ru.nl Anita Böcker, a.bocker@jur.ru.nl Iris Sportel, i.sportel@jur.ru.nl
Lay-out	Jeske Jansen

Cover photo Erik van 't Hullenaar

© 2021, Lisa Berntsen & Natalia Skowronek
url <repository.ubn.ru.nl>

State-of-the-art research overview of the impact of COVID-19 on migrant workers in the EU and the Netherlands

Lisa Berntsen (De Burcht) & Natalia Skowronek (Radboud University)

Abstract

The outbreak of the COVID-19 pandemic has brought several structural labour mobility issues to the fore. While the work of many migrants – suddenly coined essential workers – continued during the pandemic, their health and safety is not always well protected, thus leaving them at higher risk of COVID-19 infection. This working paper provides a target literature review of academic and policy papers on the impact of COVID-19 on migrants performing essential jobs. It draws out factors that potentially contribute to migrant workers' vulnerabilities, related to the way migrant work is organized, the extent of adequately regulation and effective enforcement and migrants' limited social embeddedness in the country where they work. The COVID-19 pandemic in fact exacerbates several pre-existing issues, such as the role of temporary agency firms in the Netherlands that facilitate work, housing and health care access in many cases as well. This state-of-the-art overview is a publication from the interdisciplinary research project 'Migrants in de Frontline' that explores the impact of the COVID-19 measures on migrant workers in essential sectors and is meant to inform the empirical data collection among European migrant workers in essential industries in the Netherlands.

Key words

COVID-19, essential work, migrant labour, migrant workers' vulnerabilities, the Netherlands

Samenvatting

De uitbraak van de COVID-19-pandemie brengt verschillende structurele problemen rondom arbeidsmobiliteit aan het licht. Hoewel het werk van veel migranten - plots gebombardeerd tot essentiële werknemers - tijdens de pandemie doorging, is hun gezondheid en veiligheid niet altijd goed gewaarborgd, waardoor zij een hoger risico lopen op COVID-19-besmetting. Deze notitie omvat een gerichte literatuurstudie van academische en beleidsdocumenten over de impact van COVID-19 op migranten in essentiële banen. Het biedt een overzicht van factoren die de kwetsbaarheid van arbeidsmigranten kunnen vergroten. Deze zijn gerelateerd aan de manier waarop het werk van arbeidsmigranten is georganiseerd, de mate van adequate regelgeving en effectieve handhaving en de beperkte sociale inbedding van migranten in het land waar ze werken. De COVID-19 pandemie verergert in feite verschillende reeds bestaande problemen, zoals de rol van uitzendbureaus in Nederland die in veel gevallen de toegang tot werk, huisvesting als ook gezondheidszorg faciliteren. Dit state-of-the-

art overzicht is een publicatie vanuit het interdisciplinaire onderzoeksproject 'Migranten in de Frontlinie' dat de impact van de COVID-19-maatregelen op arbeidsmigranten in essentiële sectoren onderzoekt en is bedoeld als informatiebron voor de empirische dataverzameling onder Europese arbeidsmigranten in essentiële sectoren in Nederland.

Sleutelbegrippen

COVID-19, essentieel werk, arbeidsmigranten, kwetsbaarheden van arbeidsmigranten, Nederland

Introduction

In March 2020, at the start of the European COVID-19 pandemic, the European Commission called EU Member States' attention to the fact that 'frontier workers, posted workers as well as seasonal workers are crucial for their host Member States, for which the Member States should allow the workers holding essential occupations to cross borders and establish specific procedures to ensure a smooth passage for such, so that these workers can exercise their occupations without undue hindrance' (European Commission, 2020a). The communication from the Commission clearly shows EU concerns about the continuation of intra-EU mobility. However, when it comes to health and safety, the Commission mentions very little about corresponding measures for these workers, except in communication on health screening: which implies protection *from* the workers rather than *their* protection (European Commission, 2020b; Rasnaca, 2020). This poignantly highlights the contrasting situation many – suddenly coined 'essential' – migrant workers found themselves in during the COVID-19 pandemic: while their work continued, and was suddenly more publicly valued than before (Schneider et al., 2020), their health and safety was not always well protected¹. Yet, at the same time, migrant workers were also more at risk for job loss without having other sources of (temporary) income, because of the flexible contracts on the basis of which many work (van den Berge et al., 2020).

Migrant workers are, also in non-COVID-19 times, a potentially vulnerable group of workers. Being a migrant worker, does not, in itself, imply that a person is vulnerable.² Yet, the particular circumstances under which migrants work and live in host societies may render them vulnerable. Following Luna (2009), we thus attempt to identify different layers that increase migrant workers' vulnerability. In the following, we use the

¹ Outbreaks at slaughterhouses in Germany and the Netherlands, among others, clearly demonstrate this: Die Fabrik der Infizierten (The factory of the infected), *SPIEGEL ONLINE*, 02. Mai 2020; "Epidemiologische Gefahrenquelle"; Das wahre Hygiene-Problem der Schlachthöfe liegt außerhalb der Fabriken („Epidemiological source of danger"; The real hygiene problem of slaughterhouses lies outside the factories), *WELT ONLINE* (Deutsch), Dienstag 12. Mai; "Sie übernehmen für die Arbeitskräfte praktisch keine Verantwortung"; In der Fleischindustrie häufen sich die Covid-19-Fälle ("They take hardly any responsibility for the workers"; Covid 19 cases are piling up in the meat industry), *ZEIT-online*, Dienstag 12. Mai 2020; Besmette migranten in isolatie werkten met elfhonderd collega's (Infected migrants in isolation worked with eleven hundred colleagues), *De Telegraaf*, 3 mei 2020; De keuken delen ze met z'n vijftigen; Hoe houd je als arbeidsmigrant afstand als je in een klein chalet woont? (The kitchen is shared by five of them; how do you keep your distance as a migrant worker if you live in a small chalet?), *NRC Handelsblad*, 23 mei 2020; Ziek slachterijpersoneel mogelijk onder druk gezet om te werken (Sick slaughterhouse staff possibly pressured to work), *Het Financieele Dagblad*, 27 mei 2020; 'Exploitative conditions': Germany to reform meat industry after spate of Covid-19 cases, *The Guardian*, 22 May 2020.

² Vulnerability is not easy to define because it is a social construct, and the definitions of 'vulnerable' are plenty. We consider vulnerable people to be part of 'social groups who have an increased relative risk or susceptibility to adverse health outcomes' (Flaskerud and Winslow (1998: 69) and may include those who are 'impoverished, disenfranchised and/or subject to discrimination, intolerance, subordination, and stigma (Nyamathi 1998: 65).

term migrant workers to refer to workers with a first-generation migration background³. We focus on those who work in essential sectors in the Netherlands^{4,5}, including agriculture, the meat processing industry, the distribution sector and services such as cleaning, domestic work⁶ and care activities⁷.

This state-of-the-art overview discusses research and reports on the situation of essential migrant workers in light of COVID-19. A targeted literature review of academic publications as well as research and policy papers was conducted in October 2020, using search teams such as 'COVID-19', 'corona' and 'migrants', 'migrant work', 'essential work'. At the same time, we asked various migrant organisations and experts in the Netherlands to share recent publications on this subject with us. While certain factors that put migrants in vulnerable positions at work are present regardless of COVID-19, some of those are exacerbated by the pandemic. In the following we attempt to identify both. This state-of-the-art overview is written to inform the empirical data collection of the research project 'Migrants in the Frontline', in particular the survey among 200 European migrant workers (see frame).

This brief is structured as follows:

1. We explore the recent body of literature to get an overview of the main factors that increase the vulnerability of migrant workers (in general, so unrelated to COVID) and the factors that put them at risk specifically during the COVID-19 pandemic.
2. We discuss which particular risk factors are identified in the current body of knowledge for migrant workers in the Netherlands, including which sectors, type of work (essential workers), kind of employment relations, and employer dependencies.
3. We determine the gaps in the current body of knowledge and pinpoint the studies on which we can build our (empirical) research.

³ Meaning people who are born abroad. This follows the Dutch Statistics definition of migrants, see: <https://www.cbs.nl/nl-nl/onze-diensten/methoden/begrippen/persoon-met-een-migratieachtergrond>.

⁴ Depending on the national capacity and need for certain goods and services, each EU Member State adopted a slightly different definition of what essential work is, for which the category of the 'essential sector' is a flexible entity.

⁵ While there are many more migrant workers working in non-essential sectors under various circumstances, we do not discuss all of these because of our project focus on essential sectors.

⁶ While domestic work is not considered an 'essential' occupation, we do include it in our project, because of the often blurry boundary between domestic work and care work (see Hooren, 2020). Moreover, undocumented migrants mostly find jobs in the Netherlands as domestic workers.

⁷ For an overview of essential work in the Netherlands: <https://www.government.nl/topics/coronavirus-covid-19/documents/publications/2020/03/20/childcare-for-children-of-people-working-in-crucial-sectors>

ZonMW funded research project ‘Migrants in the Frontline’

This brief is part of the ZonMW funded research project ‘Migrants in the Frontline’ of the Radboud University Network on Migrant Inclusion (RUNOMI), together with De Burcht.⁸ The research project studies temporary European and undocumented migrants that work in essential sectors in the Netherlands. The study researches both the impact of the COVID-19 measures on these groups of workers, and discusses structural problems concerning migrant labour that have been exposed throughout the crisis. The results will among other things lead to policy recommendations for structural improvements of work- and living conditions of migrant workers so as to decrease health risks they encounter.

The research is divided into four sub-projects: in work package (WP)1, existing COVID-19 rules and measures are examined, through document and media analysis and interviews with relevant public and private actors. In WP2 the perspective of migrants themselves on the impact of COVID-19 is studied through a survey with 200 European migrant workers and 40 semi-structured in-depth interviews with both European and undocumented migrants. The employers’ perspective is researched in WP3 through survey research. WP4 is the dissemination of the research results.

Migrant workers’ vulnerabilities in non-COVID-19 times

While migrants are essential to maintain economic stability, or for systemic resilience, as Anderson et al. (2020) coin this, this key position contrasts starkly with the systematically unstable and un-decent working and living conditions migrants regularly encounter. We identify three groups of factors that contribute to migrants’ vulnerable position: the organisation of work; the regulatory and enforcement dimension; and migrants’ social embeddedness.

The organization of work

In many EU Member States, migrants from both inside and outside the EU are overrepresented in low-skilled essential jobs (Francesco Fasani & Mazza, 2020). They are often engaged in what is referred to as ‘3D-jobs’ – dirty, dangerous and demanding (and sometimes demeaning and degrading) – and working jobs that are not very visible to the public eye or public policy. The jobs performed are characterized by their physical nature, in which migrants make less money, work longer hours and in worse conditions than non-migrants do. Migrants are found to work more often without adequate training or without protective equipment, they are less likely to complain

⁸ <https://www.ru.nl/runomi/research/migrants-frontline/>

about unsafe working conditions, and are exposed to higher risks for occupational injuries compared to non-migrant co-workers (Moyce & Schenker, 2018).

Many migrants work on flexible and short-term contracts, where they do not enjoy a steady income, protection from dismissal or even adequate payment for their work. The insecure, changeable income due to their flexible working contracts implies that migrant workers are less able to accumulate savings compared to other workers (F. Fasani & Mazza, 2020). In sectors that predominantly rely on migrant labour, such as agriculture, labour exploitation⁹ appears to be systemic (Schneider et al., 2020). Regarding the working conditions of migrants in practice, there are, however, (sectoral) differences between countries that result in country-specific issues around migrant labour. In Italy for instance, many undocumented migrants face exploitation in their work in agriculture, whilst in the Netherlands, especially the high dependency of migrants on employment agencies furthers abusive practices (Schneider et al., 2020).

Migrants' vulnerability further results from package deals offered by temporary employment agencies, leaving migrants dependent on their employer for more than just a job. Employers often also arrange housing for migrant workers, transport to and from work, registration at the municipality and health insurance, and in some cases even their daily nutrition. Temporary agency employers as well as their clients further have the possibility to quickly dismiss workers according to their own needs and fluctuations in market demand. The given legal frameworks, with its inherent complexities and sometimes inconsistencies across national levels, is exploited by employers as a business model (Schneider et al., 2020). This is for instance exemplified by the rise of migrant workers employed via posted work arrangements, in temporary agency contracts, or working via forms of (bogus) self-employment (Cremers, 2013).

While all this generates vulnerabilities, such firm practices do not necessarily transgress legal boundaries (Arnholtz & Lillie, 2019; Berntsen & Lillie, 2015). Furthermore, firm practices may on paper appear to be perfectly in line with the letter of the law, yet in practice push or transgress the boundaries. However, this may be difficult to detect and prove for enforcement authorities on the ground.

Regulation and enforcement

Even when migrant' employers transgress legal boundaries, detection and enforcement by national enforcement authorities is not a given. Schneider et. al. (2020) report several cases in the agricultural sector where migrants were deprived of their documents, given an employment based solely on an oral agreement or urged to sign

⁹ According to the Dutch government, the term labour exploitation refers to cases where people are made to work – voluntarily or under duress – while their employer withholds their wages and/or cases where they are made to work under very poor conditions. Labour exploitation goes beyond poor employment practices. It is a combination of harsh, often inhumane, conditions in the workplace and the frequent co-occurrence of coercion, violence, blackmail, fraud or deception:
https://english.wegwijzermensenhandel.nl/Are_you_concerned_about_someone_that_you_know/Labour_exploitation/

a contract in a language they do not understand. Such informal practices are difficult to detect for enforcement authorities, especially when migrants themselves are not forthcoming with complaints or claims (Wagner & Berntsen, 2016).

Furthermore, the way existing national and European regulatory frames are used to employ migrant workers may culminate in gaps between the law ‘in the books’ and in practice. This happens especially when regulatory provisions are not applied in accordance with its legal presumptions, or when legal definitions in different legal areas involved differ (labour law, social security and tax law); of which posting is a case in point, as the socio-legal study of Houwerzijl and Berntsen (2020) shows.

What is more, the fragmented nature of a country’s regulatory frames and divided enforcement competences over several bodies (the Labour Inspectorate, social security institutions, fiscal authorities) complicate effective detection and enforcement practices. Especially employers’ practices to obscure contractual relations leave enforcement actors incapacitated, as Cremers articulates based on a case file study published by the Dutch Labour Inspectorate (2020). Cross-border inspections and enforcement is especially difficult, as enforcement bodies are predominantly nationally oriented and transnational cooperation is not well-developed. For trade unions, the monitoring of migrant worker conditions remains challenging, given the high mobility of the workforce and their employers, and the fact that few migrants join trade unions as members (Berntsen & Lillie, 2016).

Social embeddedness of migrant workers

The precarious working situation of migrant workers is further aggravated when local (or English) language skills are limited and when, consequently, they are unaware of their rights as worker as well as their possibilities to alert authorities in case of abuses. This restrains their ability to defend themselves, and consequently makes them more vulnerable to sub-standard working conditions when abroad (Schneider et al., 2020).

Moreover, migrant workers employed in low-skilled production sectors tend to work long hours and live in remote industrial areas, often working together solely with other migrant workers. Especially when employers arrange the accommodation, as well as the travel from and to work, and sometimes even food or shopping facilities, interaction with, let alone integration into, the local society is hindered. The living circumstances in relative isolation from local society, for instance in employer-arranged housing, segregates migrants spatially and socially, restraining their opportunities to build up or seek social networks of support locally (Caro et al., 2015).

The COVID-19 impact on migrant workers’ vulnerability

The COVID-19 virus has undoubtedly had an enormous impact on every country in the world and has affected the working and living situation of people from various social

classes and nationalities. Even though hardly anyone stayed unaffected by the pandemic, within countries, the impacts of COVID-19 are highly unequal and exacerbate existing inequalities (Adams-Prassl et al., 2020).

Compared to national citizens, migrant workers may be in less stable socio-economic positions, which is problematic under normal circumstances, but extremely challenging and concerning in times of a global pandemic (Francesco Fasani & Mazza, 2020). Moreover, the pandemic adds another layer to the differences between high-skilled and low-skilled workers. Namely, the risk of being infected with the virus: more highly-skilled occupations are more likely to be suited for remote work (telework), while occupations that are lower qualified tend to be more often physically performable (F. Fasani & Mazza, 2020). Furthermore, people with a migration background are more at risk for COVID-19 infections and COVID-related mortality rates may exceed those of the native-born population (OECD, 2020).

The percentage of migrant workers in key occupations varies between EU Member States, yet tends to be higher in Western EU countries (Francesco Fasani & Mazza, 2020). As migrant workers from both inside and outside the European Union are especially concentrated in low-skilled occupations, many of which were defined as key during the outbreak of COVID-19, they thus face an overall higher risk of contagion. What is more, many of these key occupations require physical presence at work, often working in close proximity to fellow colleagues, which implies higher chances of COVID-19 infection for migrant workers (F. Fasani & Mazza, 2020).

Migrants employed in non-key jobs (such as domestic cleaning work, or work in floriculture, for instance), on the other hand, risk losing their jobs during the pandemic due to (temporary) decreased demand for their services. Migrants employed on flexible contracts can be dismissed without any costs; undocumented migrant workers usually work without any written employment agreement, leaving employers no barriers to simply cancel their work activities without notice or something resembling severance pay. Migrant workers face higher risks regarding their health and wellbeing; due to a low income (and thus probably low or non-existent savings), possible remittance duties towards family in their home countries, as well as a difficult health and social welfare access due to their contract and migrant status (F. Fasani & Mazza, 2020).

Hence, we can distinguish different vulnerabilities for migrant workers: key-workers continue to work and, those not working remote, are consequently more exposed to the virus; while non-key workers risk losing their job and have a limited safety net in terms of income (no/limited access to the welfare state) and potential health issues because of difficulties to access public health care. When key workers, however, get sick or infected with COVID-19, the latter risks also apply to them.

For migrants employed on temporary agency contracts with the above mentioned 'package deal', the risk of losing their employment due to sickness or a decrease in

demand in a given sector, also implies a simultaneous loss of accommodation as well as health care access. This was especially challenging during the imposed travel restrictions and border closures of external and internal EU borders during the pandemic. As a return to home countries was made more difficult, many migrant workers were forced to make decisions based on precarious dualities (Andreeva, 2020; Palumbo & Corrado, 2020): a choice between remaining unemployed in the host country (where they have limited access to social security and health care systems) or (if possible), go back to and possibly face unemployment in their country of origin. Knowing that there would still be job opportunities in key sectors, they could also decide to stay and continue working in the host country, even if that meant accepting inadequate or even dangerous conditions and poor living conditions (Rasnaca, 2020; Schneider et al., 2020).

While migrants on standard working contracts can profit from the protection given by the principle of equal treatment, various exceptions made in the employment of mobile workers result in a situation where they are left to the responsibility of the individual European countries (Rasnaca, 2020). The main trend at the EU level during the COVID-19 pandemic has been to ensure free movement of workers independently, or at least with limited regard to the protection of migrant workers against COVID-19 virus infections. Comparative studies show that also on a national level, both host and home countries failed to protect mobile workers in the EU adequately during the pandemic. For instance, accommodation where migrants are unable to keep a safe distance violates the right to adequate housing; a lack of enforcement of COVID-19-related precautionary measures at the workplace level violates the obligation to prevent and control epidemic diseases (De Lange et al., 2020) as well as employers' duty to care for safe and healthy working conditions (Vogel, 2020). What is more, since the outbreak of the Covid-19 pandemic, national governments have adopted several measures to facilitate the mobility and the recruitment of migrant workers in key sectors, thereby sometimes ignoring pandemic prevention measures (Palumbo & Corrado, 2020). Palumbo & Corrado argue that overall, the multiple vulnerability of migrant workers was not only not adequately addressed during the pandemic, but in some cases even ignored on a policy level.

Some of the national measures adopted, such as the short-time work scheme in Germany, essentially provided some income support for workers in different sectors. However, they were only applicable to migrant workers if social security contributions had been paid for them in times previous to the pandemic. Such policies exclude seasonal workers and employees on short-term contracts with very low salaries, to which significant numbers of migrant workers belong (Palumbo & Corrado, 2020)¹⁰. In many states, social welfare is not offered to all workers, but given only to those who are registered as citizens and have been living and working within the state for a specifically determined period of time¹¹. Some states did respond with policies specifically

¹⁰ <https://gazetalubuska.pl/pracujesz-w-niemczech-mamy-wazne-informacje-o-skroconym-czasie-pracy-czy-dodatku-za-prace-krotkoterminowa-w-zwiazku-z/ar/c1-1487670>

¹¹ <https://www.uvw.nl/particulieren/languages/english/unemployment-benefit/index.aspx>

targeting migrant workers: such as the regularizations in Italy and Spain of agricultural and care workers; or the temporary allowance of seasonal work for asylum seekers in Belgium during harvest season. However, such responses were primarily motivated out of fears for labour shortages, not by wishes to protect migrants performing essential work.

The COVID-19 impact on the position of migrant workers in the Netherlands

In the Netherlands, labour migration and the employment conditions of workers from in and outside the EU is a much-debated topic. According to the Dutch National Rapporteur (National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, 2020), severe forms of bad working conditions mainly occur in the lower segments of the labour market and involve low-paid flexible workers in (among others) sectors such as agriculture, distribution, cleaning and the meat processing industry.

Migrants who work in the Netherlands can be registered either in the municipal records or, if they intend to stay less than four months, in the RNI (Non-residents Records Database). Via the RNI, migrants receive a Citizens Service Number (a *Burger Service Nummer*, 'BSN'), a number that does not expire, so they can pay taxes and receive a salary. A non-residents registration does not include registration of an address in the Netherlands. Of the 328,000 migrants from EU-11 member states¹² that were in waged employment in the Netherlands in 2018, 146,000 were registered at a Dutch municipality (CBS, 2020). This means that 55 per cent of the EU migrants from the EU-11 member states are not registered at a Dutch municipality; among Polish workers this percentage is 57 per cent and for Romanian workers this is 62 per cent (CBS, 2020). This percentage is higher for migrants in temporary agency work: of the 143,000 Polish migrants in temporary agency employment in the Netherlands in 2018, 69 per cent is not registered at a Dutch municipality; whereas this percentage is 78 per cent among the 26,500 Romanian temporary agency workers in 2018 (CBS, 2020). Since 2014, 2,3 million migrants have registered in the RNI. No one knows, however, whether these people are still in the Netherlands or have left the country. Seasonal workers for instance only have to visit a RNI office once, and are then able to work each year in the Netherlands with their BSN (Vissers, 2020). Moreover, given the high mobility among some migrant workers between accommodation sites, municipal registration records may not always be accurate. The lack of coupling of different registries when it comes to migrant data in the Netherlands has been signalled by different

¹² Bulgaria, Estonia, Hungary, Croatia, Latvia, Lithuania, Poland, Romania, Slovenia, Slovakia and the Czech Republic.

authorities, such as the Labour Inspectorate and municipalities, to impede work and living condition control efforts (Aanjaagteam, 2020; Inspectorate SZW, 2021b).

It is especially the quickly expanded temporary employment sector (*uitzendsector*) that has been critically discussed time and again. Already in 2011, a parliamentary committee expressed concerns about migrant exploitation by temporary agency firms (Koopmans, 2011). The data that is available on migrant employment by temporary agencies can unfortunately only sketch a partial picture of the actual situation. According to numbers provided by the government initiated Migrant Workers Protection Taskforce (that we describe in more detail later in this section), the temporary agency sector consists of 14,000 active agencies and employs the majority of migrant workers in the Netherlands (Aanjaagteam, 2020). According to Dutch Statistics, around 267,000 of the 672,000 migrants from EU member states who work¹³ in the Netherlands in 2018, work via temporary agencies (CBS, 2020).¹⁴ As the total number of temporary agency workers in the Netherlands in 2018 was 835,000 (ABU, 2019, p. 4), this suggests that one third of all temporary agency workers are EU migrants. This data includes migrants who are not registered with a Dutch municipality, but have registered at an RNI (Non-residents Records Database) office.

The two employer organisations in the temporary agency branch (the ABU (Federation of Private Employment Agencies) and NBBU (Dutch Association of Intermediary Organizations and Private Employment Agencies)) calculate that 360 of their 1,700 members employed a total of 184,000 migrant workers in 2018 (ABU&NBBU, 2018a). The migrants employed came mostly from Poland (73 percent), followed by Romania (7.6 per cent) and Hungary (3.9 per cent). The average duration of employment with an ABU/NBBU agency firm for migrant workers was 46 weeks (ABU&NBBU, 2018b).¹⁵ The main job categories supplied by ABU/NBBU agencies in 2018 were production personnel (41 per cent) and logistics staff (28 per cent).

The rights and entitlements of agency workers are different from those of workers on permanent or temporary contracts directly under the client firm. Dutch temporary agency firms can contract workers based on a system of phases. The first phase of the temporary work contract lasts maximally 78 weeks and generally leaves the worker with very limited rights, and, if the agency clause (*uitzendbeding*) is included, allows the employer to terminate the employment at any time (during the first 26 weeks of employment). The worker has no or very few guaranteed hours and is only paid for the hours worked. The second phase offers a fixed-term contract without agency clause for a maximum of 4 years; permanent (open-ended) contracts are only offered in the last phase. Employment agencies have strategies to prevent agency workers from progressing beyond the first-phase contracts (for instance in the supermarket distribution sector, see Berntsen, 2015b). This provides the client companies, as well

¹³ In waged employment or as self-employed.

¹⁴ These migrants are registered as employed in the 'professional services' ('*zakelijke dienstverlening*'), a sector that is largely based on flexible temporary agency contracts.

¹⁵ The average duration of temporary agency work in general is 151 days, around 22 weeks (ABU, 2019, p. 7).
)

as the temporary agencies, the opportunity to save costs and retain flexibility to respond to economic and seasonal developments. For the workers, being employed on a first-phase agency contract entails high-income insecurity due to a constant risk of dismissal and unspecified hours of work (Schneider et al., 2020).

The package deals offered by temporary agencies may include besides work contracts, accommodation and transportation facilities, also health insurance registration. Although perhaps convenient from the migrants' point of view that employers arrange administrative matters, when workers as a result of this do not have their own health insurance cards to access health care in case of need, this is problematic. According to a survey conducted by the Dutch trade union FNV among migrant workers living at nine larger housing sites across different regions in the Netherlands in the summer of 2020, two thirds of the respondents did not have their own Dutch health insurance card (FNV, 2020a). Without health insurance card, it is difficult to access Dutch health care.

In the Netherlands, measures to prevent a further spread of COVID-19 were introduced on March 12th 2020. The initial general government's communiqué on COVID-19-related rules of conduct was translated into different languages (such as Polish and Romanian) and these translations were made available almost simultaneously with the Dutch language version. Yet, the further communication of country- or region-specific changes such as the press conference announcements or particular work-related Covid-19 regulations (e.g. quarantine rules) failed to appear in the languages spoken by migrant workers. Moreover, there was a deficiency in the Dutch government's communication that specifically targeted migrant workers and informed them about aspects in regulations that concerned them and their work.

While workers in the food supply chains were considered as essential, studies highlight that securing and controlling safe and healthy conditions for these workers was not sufficiently prioritised by the Dutch government. This is for instance exemplified by the exceptions made to allow for the entry of migrant workers, even though there were risks associated with transport. Workers from EU countries such as Romania and Hungary were flown in as seasonal workforce for asparagus or strawberry harvest, whereby rules of distance and safety were ignored before, during and after their flights¹⁶ (De Lange et al., 2020; Palumbo & Corrado, 2020). There were further indications that workers in seasonal work and in occupations that saw an increase in demand during the pandemic had to make shifts of up to 14 hours per day for several weeks (Palumbo & Corrado, 2020).

The Dutch NGO FairWork signalled that during the first weeks of the COVID-19 pandemic, migrant workers sought their help because of too restricted work and/or a sudden loss of income due to dismissal, and, in many of these cases, a simultaneous loss of housing. The language barrier and unfamiliarity with the Dutch authorities

¹⁶ BN de Stem 'Volle vliegtuigen op 'Asperge Airport' Eindhoven; luchthaven worstelt met die 1,5 meter' 4 April 2020.

made it more difficult for many migrant workers to get support from the Dutch authorities (FairWork, 2020).¹⁷ Migrants who kept their jobs during the pandemic faced increased risk of infection either in their workplace, or in the employer-provided accommodations where they often share bedrooms and/or kitchen/bathroom facilities with other migrants (FairWork, 2020). The lack of protective measures at work and in workers' housing often coincides with a general fear of reporting abusive/bad conditions out of fears for dismissal (Palumbo & Corrado, 2020). Furthermore, the enforcement capacity of the Dutch labour inspectorate, with the ability to inspect 1 per cent of all workplaces each year, has been signalled as problematic, especially during the COVID-19 pandemic when workplace inspections are even less frequent (Aanjaagteam, 2020; Inspectorate SZW, 2021a).

The main COVID-19 related notifications received by the Dutch Labour Inspectorate in 2020 regarding migrant workers were related to the inability to keep a safe distance; the lack of supervision on the (proper) use of personal protection equipment; and working when ill (i.e. of migrants continuing work when ill; or continuing work when house mates were ill) (Inspectorate SZW, 2021b). These complaints mostly concerned production workers and order pickers in large (food and beverage) warehouses and distribution centres (Inspectorate SZW, 2021b). Also, the Dutch Labour Inspectorate concluded that migrant workers in the meat sector (mostly on temporary agency contracts), did not receive any pay in some cases of temporary meat factories closures, whereas permanent personnel of the same factory did (Inspectorate SZW, 2021b). The easy dismissal procedure for employers, contrasts with the difficulties to access social welfare for workers who have not spent a considerable period of time working in the Netherlands (to receive unemployment benefits, a person needs to have work at least 26 weeks in the last 36 weeks)¹⁸.

In May 2020, after initial uncertainties about the Inspectorate's mandate to enforce COVID-19 related measures at the workplace, the Dutch Labour Inspectorate explored the transmission risks of COVID-19 for migrant workers, including a sectoral and branch-level risk analysis and survey among 380 migrant workers. The Inspectorate defined six risk factors: i) insufficient physical distance; ii) non-compliance with hygienic precaution and protection measures; iii) special risk-enhancing production circumstances (such as low temperatures or ventilation); iv) insufficient information and instruction at the workplace; v) lack of control and supervision on government COVID-19 guidelines; vi) high work pressure leading to non-compliance with government COVID-19 ('RIVM') guidelines or Working Act ('Arbo') guidelines. Around 20 per cent of the migrants surveyed by the Inspectorate indicated that they could not keep sufficient distance from others; in the transportation sector, this was true for half of the respondents; whereas in agriculture, 'only' 12 per cent indicated this was the case. In addition, almost half of the migrants surveyed indicated not to be paid when ill (16 per cent) or were unsure whether they would be paid during sick-days (30 per cent).

¹⁷ For that reason, migrant workers also in non-COVID times greatly depend on intermediary organisations, such as ngo's or trade unions, to signal issues at work and labour exploitation.

¹⁸ <https://www.uvw.nl/particulieren/languages/english/unemployment-benefit/index.aspx>

Strikingly, the majority of migrants surveyed indicated that the measures taken by their employer to prevent transmission of the virus were sufficient. The Inspectorate believes migrants may have given socially desirable answers to the questions about their employers, given their employer dependencies. The survey results did not point to clear differences between migrants who were employed by temporary agency firms that were members and non-members of ABU/NBBU.

According to the survey, long working days were no exception. Half of the surveyed migrants worked more than 40 hours a week; 12.5 per cent worked more than 50 hours a week. Especially respondents in the meat industry reported long working weeks. The resulting tiredness and reduced health may make migrants more susceptible to catch the COVID-19 virus (Inspectorate SZW, 2021b, p. 21).

The Labour Inspectorate report reiterates the potential risks associated with temporary agency employment for migrants especially in COVID-19 times and highlights five risk factors: i) the legal relation between the agency and contracting/client firm; ii) the type of contract on which migrants work; iii) employer (temporary agency) dependency for health care; iv) employer (temporary agency) dependency for accommodation; and v) transportation from and to work by the agency firm.

According to the survey, two thirds of the migrants worked on first-phase agency contracts, creating high employer dependencies. Especially the housing circumstances of migrants, with shared bedrooms and sanitary and kitchen facilities, were signalled by the Inspectorate as potential threat for COVID-19 contagion. Most of the respondents surveyed by the Inspectorate stayed in the Netherlands without a family, and lived in a single or shared room rather than a self-contained housing unit. One third of the respondents had a private room, half of them shared their room with one other person and ten per cent actually shared their room with two or more people. When sharing a bed room, 40 per cent indicated that the room was less than 10 m²; whereas 50 per cent indicated that the room size varied between 10 and 20 m². In most cases the agency firm (64 per cent) or user company (22 per cent) arranged the accommodation; and in 90 per cent of the respondents the rent is directly deducted from their pay. More than 80 per cent of respondents have to leave the accommodation when the work stops (Inspectorate SZW, 2021b, pp. 23–24).

With the Temporary Act COVID-19 Measures¹⁹, everyone living (not further specifying whether this means being registered) at the same address, forms one household, and therefore does not need to keep a safe distance among one another. Hence, when workers are transported in buses between accommodation and work site, there are exemptions from the distance rules. Nonetheless, the use of non-medical mouth masks in public transport is compulsory since 1 July 2020. Nearly half of the respondents surveyed by the Inspectorate indicated to travel together with people who live

¹⁹ Wet van 28 oktober 2020, houdende Tijdelijke bepalingen in verband met maatregelen ter bestrijding van de epidemie van covid-19 voor de langere termijn (Tijdelijke wet maatregelen COVID-19), Staatsblad 2020, 441 (Law on temporary measures related to fighting the COVID-19 epidemic for the longer term).

in different accommodation than themselves, which increases the risk of virus transmission (Inspectorate SZW, 2021b).

The pandemic has exacerbated the already precarious position of many migrant workers pre-COVID-19, adding the risk of infection working in the frontline in essential jobs. This is exemplified in the outbreaks that occurred in the Netherlands²⁰, as in other countries, in the meat processing industry.²¹ Also, one fifth of the COVID-19 related notifications received by the Dutch Labour Inspectorate in 2020 concerned migrant workers.²²

In response to the COVID-19 outbreaks in meat factories concerning large groups of migrant workers, the Ministry of Social Affairs and Employment (SZW) established a Migrant Workers Protection Taskforce (*'Aanjaagteam Arbeidsmigranten'*) to address accommodation, working conditions, transport, health and border issues. The Taskforce issued two advisory reports to the Dutch Government, the first in June and a second report in October 2020. The first report advised short-term measures to protect migrants during the COVID-19 pandemic, such as suggesting safe ways to travel to work and overall safer living circumstances. At the core of the second report is a call for a structural re-formulation of norms and standards in dealing with migrant workers as a receiving society. The recommendations included a new regulation of temporary work agencies; better registration of migrant workers, so that municipalities can ensure sufficient availability of accommodation or family doctors in the area; and better enforcement regarding proper housing and working conditions. The advice furthermore suggests a prolonged entitlement to health insurance for 30 days after a contract terminates. Although the government agreed the suggested measures would be necessary and some practical steps have been taken to adjust them, legislative changes were left for the new government to be formed after the March 2021 elections.

At the sectoral level, employer organizations and trade unions jointly established COVID-19 safety protocols. This was done in the meat sector, agriculture and the temporary agency sector. The ABU's (Federation of Private Employment Agencies in the Netherlands) migrant workers safety protocol (*Corona veiligheidsprotocol arbeidsmigranten*), published in September 2020, reports on rules for safety at work according to the government regulations, an adequate housing standard including quarantine rules for those workers who fell sick, safe transport and an improved access to health (ABU, 2020a).

Many migrants work in essential sectors in the Netherlands via temporary agency firms, and thus face various of the above-mentioned dependencies and vulnerabilities. The agricultural industry, is one of the essential sectors that has been researched in recent studies (Heyma et al., 2020; Schneider et al., 2020). This sector not only has

²⁰ *The Guardian* 'I feel worthless': workers tell of gruelling life in Dutch meat plants, 10 August 2020.

²¹ *De Volkskrant* 'Slachthuizen in buitenland blijken coronahotspots – hoe zit het in Nederland?' 19 May 2020.

²² Brief van de staatssecretaris SZW aan TK d.d. 17 november 2020 (nr. 399).

one of the highest numbers of flexible employment in the Netherlands (agency work and seasonal employment), its reliance on migrant labour, mostly from Central and Eastern Europe, is also large. According to a SEO report on migrant workers in agriculture, 90 per cent of the temporary agency workers in the agricultural sector in 2019 had a migrant status (Heyma et al., 2020). According to the Dutch Labour Inspectorate, 20 per cent of migrant workers in agriculture work at or below the minimum wage (ISZW, 2019). Of the total of 283,000 people employed in the agricultural sector in 2019, 109,000 worked via temporary agencies; 174,000 via direct (seasonal) employment; more than half of the agricultural workers were migrants, but the numbers do not specify which share of them were in agency and seasonal employment in 2019 (Heyma et al., 2020). The number of employees directly employed by an agricultural and horticultural company in the SEO report is based on CBS micro data. This data cannot distinguish the number of agency workers in the agricultural sector specifically, as many temporary employment agencies place people in more than one sector and therefore the workers they contract are not assigned to a specific sector. The number of temporary agency workers in agriculture is estimated in the study based on previous research and the number in reality may thus differ. Overall, the SEO study shows that the COVID-19 pandemic had little influence on the amount of *direct* employments in the agricultural sector (Heyma et al., 2020). This on one hand confirms the essentiality of this sector during the pandemic, as agricultural production continued for the most part during the year. Also, agricultural businesses may hire the same migrants every year for the harvest season on seasonal (direct) contracts. Still, the effects that the pandemic has had on the number of temporary agency placements of migrants in the agricultural sector in 2020 cannot be derived from the CBS microdata, and therefore remains unknown.

The following table 1 provides, based on the material discussed above, an overview of factors that may contribute to migrant workers' vulnerabilities. Additionally, a prospect of how some of these risk factors are aggravated in times of COVID-19 in the Netherlands, was provided

TABLE 1: OVERVIEW OF FACTORS THAT CAN CONTRIBUTE TO MIGRANT WORKERS' VULNERABILITIES IN TIMES OF COVID-19

Risk factors in times of COVID-19	
<i>Social embeddedness</i>	
language barrier	<ul style="list-style-type: none"> - health and safety instructions communicated in native languages of host country (including government policies) - restricted possibilities of a consultation about own situation with local institutions and (enforcement) authorities
lack of local social (support) network	<ul style="list-style-type: none"> - no fall-back social system outside of work in case of illness - possible social isolation due to restricted options to travel back to home country result in longer continuous periods in host country (consequences for mental health)
<i>Organization of work</i>	
employer-arranged housing	<ul style="list-style-type: none"> - shared bedrooms, kitchen and/or sanitary facilities - housing linked to job placement (when employment terminates, no more accommodation) - shared transport arrangements from and to work - accommodation arrangements in isolation from local community
flexible, short-term employment contracts	<ul style="list-style-type: none"> - temporary agency contracts can be dissolved at any point in time (<i>uitzendbeding</i>) - measures to protect workers in standard employment relationships during a public health crisis might not reach all migrant workers - lack of clarity about continued payment (and by whom) when migrant workers need to quarantine - incentive to continue working when ill due to <ul style="list-style-type: none"> - contracts that terminate if an employee is ill - contracts in which the first two days of incapacity for work are waiting days pursuant to the Sickness Benefits Act
low and unstable income	<ul style="list-style-type: none"> - limited savings to fall back on in case of unexpected unemployment (or during possibly unpaid quarantine periods) - possible financial hardship due to restricted travel options that result in longer continuous periods in host country even if there is less work
long working days	<ul style="list-style-type: none"> - resulting tiredness and reduced health may make migrants more susceptible to catch the coronavirus
work in low-waged essential occupations	<ul style="list-style-type: none"> - physical presence at work entails a higher risk of contracting the coronavirus - inability to keep a safe physical distance from co-workers increases risks of contracting the coronavirus
<i>Regulation and enforcement</i>	
limited access to social welfare	<ul style="list-style-type: none"> - in case of job loss and when <26 weeks employed on agency contract, not eligible to social welfare (WW)
health care access	<ul style="list-style-type: none"> - health care insurance linked to employment contract (possibly uninsured from day 1 in case of employment termination) - difficult access to state-offered COVID-19 tests without DigiD - difficult access to family doctor and health care without registration in municipality - lack of possession of Dutch health insurance card
no BRP registration during first 4 months; inaccurate BRP registration	<ul style="list-style-type: none"> - lack of awareness of working and living situation of migrant workers by the enforcement authorities - inadequate or non-registry of up-to-date contact information and addresses of migrant workers impedes inspections
enforcement and mandate Dutch Labour Inspectorate	<ul style="list-style-type: none"> - limited enforcement mandate Dutch Labour Inspectorate - fewer work place inspections due to remote work of labour inspectors - limited staff capacity of Dutch Labour Inspectorate
enforcement and representation capacity trade unions	<ul style="list-style-type: none"> - difficulties to enforce decent working conditions when only few migrant workers are trade union members

Knowledge gaps concerning migrant workers' positions in times of COVID-19

The essential role migrants play in our labour markets to keep our societies functioning has become abundantly clear during the COVID-19 pandemic. However, the public acknowledgment of their key positions contrasts deeply with the lived realities of many migrant workers in Europe. In practice, this group has repeatedly been excluded from COVID-19 policy responses, except when it comes to guaranteeing their mobility towards host countries' labour market demands. While the precarious working position of many migrants has recurrently been addressed both within and outside academia, the COVID-19 pandemic outbreak has brought several of these structural issues to the forefront. In the Netherlands, the vulnerable position of migrant workers in essential sectors is predominantly linked to their employment via temporary agency firms, who most of the time also arrange their accommodation, travel arrangements, and – particularly important during the COVID-19 pandemic – access to health care. All this exacerbates risks related to migrants' health and well-being in times of (and beyond) the COVID-19 pandemic.

This state-of-the-art overview of research on the impact of COVID-19 (measures) on migrant workers shows that the number of studies to date that collect data among migrant workers since the outbreak of COVID-19, is scarce.²³ Our study (both the quantitative survey and the qualitative interviews) therefore can build on existing surveys conducted in pre-COVID-times.^{24,25} as well as on the Labour Inspectorate's survey and on research conducted among migrants employed in essential sectors before COVID-19 times (Berntsen, 2015a on the meat sector, 2015b on supermarket distribution; Kerti & Kroon, 2020 on logistics; Schneider et al., 2020 on the agricultural sector; Strockmeijer, 2020 on glasshouse agriculture).

A qualitative approach to study the effects of the pandemic on migrant workers is yet to be adopted.²⁶ Reports that address the situation of migrant workers in the Netherlands in relation to the COVID-19 pandemic are based on micro-data (CBS), migrant

²³ A brief email assessment in September/October 2020 among several organizations that work or are engaged with migrant workers in the Netherlands, did not yield any documentation of recently collected data among migrant workers.

²⁴ These studies were not included in this brief, because of our focus on the existing insights into the situation of migrant workers during the COVID-19 pandemic.

²⁵ These include: Arbeidsmigratie in vier landen. Bulgaren en Roemenen vergeleken met Polen (Labour migration in quarters. Bulgarians and Romanians compared to Poles). EUR (2011); Schaduweffecten van EU-arbeidsmigratie in Rotterdam (The shadows of EU labour migration in Rotterdam). Risbo/Erasmus Universiteit (2017); Survey Integratie Minderheden (SIM) (Minorities Integration Survey) (2015). We can also draw on the panel research by the Knowledge Center Labour Migration (*Kenniscentrum Arbeidsmigratie*) that conducts the first survey early 2021.

²⁶ The policy brief by Palumbo and Corrado (2020), for instance, draws on data collected in 2019.

claims at a Dutch NGO or small surveys by trade unions, or on empirical research conducted in pre-COVID-19 times, and thus only provide a partial picture of the impact of COVID-19 on migrant workers in the Netherlands.

In general, a migrant workers' perspective on their situation since the outbreak of COVID-19 pandemic is not extensively researched. An exception is the survey by the Dutch Labour Inspectorate among 380 migrant workers in the Netherlands in the summer of 2020. Although the survey provides valuable insights into the experiences of migrant workers, the Inspectorate points out that migrants probably provided socially desirable answers especially to employer-related questions (such as: has your employer taken enough measures to prevent workplace transmission risks). The survey was conducted face-to-face by labour inspectors who, before starting the survey, mentioned that their answers could lead to a workplace inspection (Inspectorate SZW, 2021b). Furthermore, in another report the Inspectorate noticed that during workplace inspections in 2020 in the meat industry, it was difficult to speak to migrant workers without a supervisor from the employers' side present (Inspectorate SZW, 2021a). Another exception that does provide a migrant' perspective is the news blog published by the independent non-governmental foundation FairWork (2020). This blog is based on the 263 COVID-19 related questions from migrant workers in the Netherlands that reached the organisation from mid-March until mid-April 2020 and thus provides a snapshot of the issues encountered by migrant workers during the early phase of the COVID-19 outbreak. However, this information is not necessarily representative for the issues encountered by migrant workers in general as a result of the COVID-19 measures. Also, the survey among 966 migrant workers of the Dutch trade union FNV, although indicating that a lack of health insurance cards is a common problem faced by migrants, cannot be generalized for the whole migrant worker population, as it was not conducted among a randomized sample (FNV, 2020b).

While the precarious positions of migrants from other EU member states working in essential jobs in the Netherlands has received quite some attention during 2020, publications addressing the situation of undocumented migrants are less numerous. Although there have been media reports in several national newspapers, a crowd funding action supported by the Dutch trade union FNV for migrant domestics²⁷, a call from the FNV to the Dutch government to consider the precarious position of domestic workers (including undocumented workers) in their COVID-19 related support measures²⁸, and a similar call by the Red Cross to consider the situation of homeless and undocumented people in the Dutch governments' support policies²⁹, no policy

²⁷ FNV, 'Schoonmakers En FNV Starten Petitie Voor Gelijke Rechten Huishoudelijk Werkers', 21.09.2020, 2020 <<https://www.fnv.nl/nieuwsbericht/algemeen-nieuws/2020/09/schoonmakersparlement-start-petitie-voor-gelijke-r>> [accessed 28 October 2020].

²⁸ FNV, 'Noodsituatie Huishoudelijk Werkers Tijdens Corona-Crisis', 2020; FNV, 'Help Onze Huishoudelijk Werkers! Iedereen in Dit Land Verdient Bescherming, Ook Zonder Verblijfsstatus!', 25.04.2020, 2020 <<https://www.fnv.nl/nieuwsbericht/algemeen-nieuws/2020/04/help-onze-huishoudelijk-werkers>> [accessed 28 October 2020]

²⁹ Overheid, let op meest kwetsbaren, *Reformatoisch Dagblad*, 30 september 2020; Risicovol: dakloos en corona, *Haarlems Dagblad*, 1 oktober 2020.

reports addressing the impact of COVID-19 on this specific group of workers have been formulated.

The situation of migrant workers in the Netherlands is not only affected by COVID-19 related measures at the national or regional level. Those (groups of) migrant workers that live in one, but work in another Member State (i.e. living in border regions) face complex, incongruent and potentially contradictory COVID-19 related measures of more than one country. The re-introduction of internal EU borders especially impacts cross-border workers in their daily home to work travel. For those migrants that (wish to) travel home in between jobs or during holiday periods, inter-state and country differences regarding COVID-19 related measures concerning testing or quarantine periods are challenging. Although the Dutch Migrant Workers Protection Taskforce does hint at cross-border conditions and issues, they did not formulate recommendations in this area and leave this issue for a transnational team to tackle in the future (Aanjaagteam, 2020). Up to this point, there are no publications on an approach to address the specific complexities and challenges of migrant workers in border regions.

References

- Aanjaagteam, B. A. (2020). *Geen tweederangs- burgers*.
- ABU&NBBU. (2018a). *Factsheet: Arbeidsmigranten Bemiddeld Door ABU- en NBBU-Leden : Een Overzicht*. <https://www.nbbu.nl/>
- ABU&NBBU. (2018b). *Factsheet: Arbeidsmigranten Bemiddeld Door ABU- en NBBU-Leden : Een Overzicht*.
- ABU. (2019). *The value of temporary agency work: the latest facts and figures, December 2019 factsheet*.
- ABU. (2020a). *ABU-Corona veiligheidsprotocol arbeidsmigranten*. <https://www.arbo-portaal.nl/>.
- Adams-Prassl, A., Boneva, T., Golin, M., & Rauh, C. (2020). Inequality in the Impact of the Coronavirus Shock : Evidence from Real Time Surveys. *IZA Discussion Paper*, 13183.
- Anderson, B., Poeschel, F., & Ruhs, M. (2020). Covid-19 and Systemic Resilience: Rethinking the Impacts of Migrant Workers and Labour Migration Policies. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3690413>
- Andreeva, A. (2020). Migration flows in Europe: Before and during the COVID-19 crisis. *BWI Discussion Paper*.
- Arnholtz, J., & Lillie, N. (2019). European Integration and the Reconfiguration of National Industrial Relations. In *Posted Work in the European Union* (pp. 1–30). Routledge. <https://doi.org/10.4324/9780429031021-1>
- Berntsen, L. (2015a). Precarious Posted Worlds: Posted Migrant Workers in the Dutch Construction and Meat Processing Industries. *The International Journal of Comparative Labour Law and Industrial Relations*, 31(4), 371–390.
- Berntsen, L. (2015b). Stepping up to strike: A union mobilization case study of Polish migrant workers in the Netherlands. *Transfer: European Review of Labour and Research*, 21(4), 399–412. <https://doi.org/10.1177/1024258914567427>
- Berntsen, L., & Lillie, N. (2015). Breaking the law? Varieties of social dumping in a pan-European labour market. In M. Bernaciak (Ed.), *Market Expansion and Social Dumping*

- in Europe (pp. 43–60). Routledge.
- Berntsen, L., & Lillie, N. (2016). Hyper-mobile migrant workers and Dutch trade union representation strategies at the Eemshaven construction sites. *Economic and Industrial Democracy*, 37(1), 171–187. <https://doi.org/10.1177/0143831X14537357>
- Caro, E., Berntsen, L., Lillie, N., & Wagner, I. (2015). Posted Migration and Segregation in the European Construction Sector. *Journal of Ethnic and Migration Studies*, 41(10), 1600–1620. <https://doi.org/10.1080/1369183X.2015.1015406>
- CBS. (2020). *Migrantenmonitor 2018*.
- Cremers, J. (2013). Free provision of services and cross-border labour recruitment. *Policy Studies*, 34(2), 201–220. <https://doi.org/10.1080/01442872.2013.767588>
- Cremers, J. (2020). Market integration, cross-border recruitment, and enforcement of labour standards - A Dutch Case. In J. Arnholtz & N. Lillie (Eds.), *Posted work in the European Union: The Political Economy of Free Movement* (pp. 128–146). Routledge.
- De Lange, T., Mantu, S., & Minderhoud, P. (2020). Into the Unknown: COVID-19 and the Global Mobility of Migrant Workers. *AJIL Unbound*, 3(13178), 332–336. <https://doi.org/10.1017/aju.2020.62>
- European Commission. (2020a). *Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak – Communication from the Commission*.
- European Commission. (2020b). *Guidelines on Seasonal Workers in the EU in the Context of the COVID19 Outbreak*. 1. <https://doi.org/10.1017/CBO9781107415324.004>
- European Commission. (2020c). *Immigrant Key Workers: Their Contribution to Europe's COVID-19 Response | Knowledge for policy*. https://ec.europa.eu/knowledge4policy/publication/immigrant-key-workers-their-contribution-europes-covid-19-response_en
- FairWork. (2020). *Impact van corona op migranten in Nederland - FairWork*. <https://www.fairwork.nu/2020/04/17/impact-van-corona-op-migranten-in-nederland/>
- Fasani, F., & Mazza, J. (2020). A Vulnerable Workforce : Migrant Workers in the COVID-19 Pandemic. 1(January), 1–12. <https://doi.org/10.2760/316665>
- Fasani, Francesco, & Mazza, J. (2020). Immigrant Key Workers: Their Contribution to Europe's COVID-19 Response. *IZA Discussion Paper*, No. 13178.
- Flaskerud, J.H. and B.J. Winslow (1998) 'Conceptualising Vulnerable Populations in Health-Related Research'. *Nursing Research* 47(2): 69-78.
- FNV. (2020a). *Tweederde arbeidsmigranten krijgt eigen zorgpas niet van werkgever*. 22.06.2020. <https://www.fnv.nl/nieuwsbericht/algemeen-nieuws/2020/07/tweederde-arbeidsmigranten-krijgt-eigen-zorgpas-ni>
- FNV. (2020b). *Tweederde arbeidsmigranten krijgt eigen zorgpas niet van werkgever*. 22.06.2020.
- Heyma, A., Luiten, W., Splinter, G., & Puister, L. (2020). *De gevolgen van de coronacrisis voor arbeidsmigranten in de land- en tuinbouw* (Issue 82).
- Hooren, F. Van. (2020). Migrant workers and resilience of social care. *Think Piece No.4 of the MigrResHub*, Nov., 1–9.
- Houwerzijl, M., & Berntsen, L. E. (2020). *Posting of workers: From a blurred notion associated with 'cheap labour' to a tool for 'fair labour mobility'?* (pp. 147–166). Routledge. <https://research.tilburguniversity.edu/en/publications/posting-of-workers-from-a-blurred-notion-associated-with-cheap-la>
- Inspectorate SZW. (2021a). *Het werk in coronatijd*. Dutch Labour Inspectorate.
- Inspectorate SZW. (2021b). *Rapport arbeidsmigranten*. Dutch Labour Inspectorate.
- ISZW. (2019). *Staat van eerlijk werk 2019 - Risico's aan de onderkant van de arbeidsmarkt*.
- Kerti, P., & Kroon, B. (2020). De invloed van werkomstandigheden in Nederlandse distributiecentra op inzetbaarheidsovertuigingen van Hongaarse free movers. *Tijdschrift*

- Voor Arbeidsvraagstukken, 36(2), 177–194.
- Koopmans, G. (2011). Lessen uit recente arbeidsmigratie. In *TK, vergaderjaar 2011-2012* (Vol. 32680, Issue nr.4). https://doi.org/10.15036/arerugi.22.37_1
- Luna, F. (2009). *Elucidating the Concept of Vulnerability : Layers Not Labels* Linked references are available on JSTOR for this article : *ELUCIDATING THE CONCEPT OF VULNERABILITY* : 2(1), 121–139.
- Moyce, S. C., & Schenker, M. (2018). Migrant Workers and Their Occupational Health and Safety. *Annual Review of Public Health*, 39(February), 351–365. <https://doi.org/10.1146/annurev-publhealth-040617-013714>
- National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children. (2020). *Slachtoffermonitor mensenhandel 2015–2019*. www.nationaalrapporteur.nl
- Nyamathi, A. (1998) 'Vulnerable populations: A Continuing Nursing Focus', *Nursing Research* 47(2): 65-66.
- OECD (2020) What is the impact of the COVID-19 pandemic on immigrants and their children? <https://www.oecd.org/coronavirus/policy-responses/what-is-the-impact-of-the-covid-19-pandemic-on-immigrants-and-their-children-e7cbb7de/>
- Palumbo, L., & Corrado, A. (2020). *Covid-19, Agri-food Systems and Migrant Labour. The situation in Germany, Italy, the Netherlands, Spain and Sweden*.
- Rasnaca, Z. (2020). Essential but unprotected: highly mobile workers in the EU during the COVID-19 pandemic. *ETUI Policy Brief*.
- Schneider, J., Götte, M., Chapter, G., Siegmann, K. A., & Williams, T. (2020). *Are Agri-Food Workers Only Exploited In Southern Europe? Case Studies On Migrant Labour In Germany, The Netherlands, and Sweden*.
- Strockmeijer, A. (2020). *De arbeidsmarktpositie verklaart*.
- van den Berge, W., Rabaté, S., & Swart, L. (2020). *Crisis op de arbeidsmarkt: wie zitten in de gevarezone?* 9.
- Vissers, P. (2020, February 27). Van 2,3 miljoen migranten met bsn weet Nederland niet waar ze zijn. *Trouw*. <https://www.trouw.nl/nieuws/van-2-3-miljoen-migranten-met-bsn-weet-nederland-niet-waar-ze-zijn~b457e1da/>
- Vogel, L. (2020). Work, a blind spot in the Covid-19 crisis. *HesaMag*, 22(Autumn), 4–9.
- Wagner, I., & Berntsen, L. (2016). Restricted rights: obstacles in enforcing the labour rights of mobile EU workers in the German and Dutch construction sector. *Transfer*, 22(2), 193–206. <https://doi.org/10.1177/1024258916636025>